

# EXHIBIT 2

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF PENNSYLVANIA

3 CIVIL ACTION NO.  
4 02-CV-3830

BOARHEAD FARM AGREEMENT Judge Legrome D. Davis  
5 GROUP,

Plaintiff, Oral Deposition of:

6 vs. Arthur T. Curley, Jr.

7 ADVANCED ENVIRONMENTAL TECHNOLOGY  
8 CORPORATION; ASHLAND CHEMICAL  
9 COMPANY; BOARHEAD CORPORATION;  
10 CARPENTER TECHNOLOGY CORPORATION;  
11 CROWN METRO, INC.; DIAZ CHEMICAL  
12 CORPORATION; EMHART INDUSTRIES,  
13 INC.; ETCHED CIRCUITS, INC.; FCG,  
14 INC.; GLOBE DISPOSAL COMPANY, INC.;  
15 GLOBE-WASTECH, INC.; HANDY & HARMAN  
16 TUBE COMPANY, INC.; KNOLL, INC.;  
17 MERIT METAL PRODUCTS CORPORATION;  
18 NOVARTIS CORPORATION; NRM INVESTMENT  
19 COMPANY; PLYMOUTH TUBE COMPANY;  
20 QUIKLINE DESIGN AND MANUFACTURING  
21 COMPANY; RAHNS SPECIALTY METALS,  
22 INC.; ROHM & HAAS COMPANY, SIMON  
WRECKING COMPANY, INC.; TECHALLOY  
COMPANY, INC.; THOMAS & BETTS  
CORPORATION; UNISYS CORPORATION;  
UNITED STATES OF AMERICA  
DEPARTMENT OF NAVY,  
Defendants.

18 \* \* \* \* \*  
19 Thursday, December 9, 2004  
20 \* \* \* \* \*

21 Transcript in the above matter taken at  
22 the offices of Ballard, Spahr Andrews & Ingersoll,  
LLP, Plaza 1000, Main Street, Suite 500, Voorhees,  
New Jersey, commencing at 10:00 a.m.

23 Certified Shorthand Reporting Services  
24 Arranged Through  
25 Mastroianni & Formaroli, Inc.  
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CORPORATION

1 Q. If you recall sometime later in the  
2 deposition any other product lines in 1976 that  
3 Ashland had, just let me know. Okay?

4 A. Yes. Most of them would be just the  
5 initials. Most of our products were noted that way,  
6 you know, CMPA.

7 Q. That's fine.

8 A. DBHMD was one we made for DuPont.

9 Q. What's that?

10 A. DBHMD. And that we made for DuPont.

11 Q. Do you remember what that stood for?

12 A. No.

13 Q. Do you know what DuPont did with that?

14 A. No.

15 Q. Were these, to your recollection, the  
16 same products that were manufactured in 1977 by  
17 Ashland at the Great Meadows facility as well?

18 A. Most likely. Most likely, yes, but I  
19 can't tell you specifically what was made in '76 and  
20 '77, you know, the ones I had mentioned to you were  
21 made pretty much over a period of time and chances  
22 are they were made in that period. Phthalide was  
23 another one.

24 Q. And what is phthalide?

25 A. Again, we made it for a couple of

1 Harold.

2 Q. Do you recall, how -- did you negotiate  
3 the price with AETC for its handling of Ashland  
4 waste?

5 A. Harold would have.

6 Q. Harold did?

7 A. Yes.

8 Q. Did he negotiate that price with them?

9 A. Oh, mostly John would give us a price  
10 and that was it. If Harold, you know -- I don't know  
11 what -- Harold would have met with him separately and  
12 whether he said we can't afford this or not, I don't  
13 know.

14 Q. Was -- were there any other terms of the  
15 agreement that Ashland had with AETC with regard to  
16 its waste disposal, such as identity of the waste  
17 hauler, was that discussed?

18 A. Not to my knowledge, no.

19 Q. Did you ever discuss with --

20 A. No.

21 Q. -- John or anyone else from AETC who  
22 would be disposing of the Ashland waste through AETC?

23 A. Not really. The only thing, the only  
24 thing I would hedge it on would be we were all aware  
25 of the hazardous of this stuff so that we would want

1 to make sure it was handled in the proper truck and  
2 with the proper trained people and whatnot, yes. But  
3 that would have been the only way we would get  
4 involved with the trucking. Because of the dangers  
5 involved.

6 Q. Right. Did you discuss those things  
7 with AETC or anyone else?

8 A. Yeah, I'm sure I did. Because we were  
9 all concerned about it, this acid rolling on the  
10 road.

11 Q. So how does that relate to the identity  
12 of the waste hauler? I mean I asked you if you  
13 discussed the identity of the waste hauler and you  
14 said only insofar as --

15 A. It was more -- it would really involve  
16 the type of equipment to be used. I have a faint  
17 recollection that a couple of the proposed vehicles  
18 that would deem it not acceptable. These trailers  
19 were acid hauling trailers. They were only 3,000  
20 gallons because of the weight and everything and as I  
21 recall it was a time when they wanted to haul in a  
22 regular tanker and we were against it.

23 Q. Do you know who wanted to haul in a  
24 regular --

25 A. No.

1 Q. -- tanker?

2 A. No, just a vague recollection of mine.

3 Q. Did you personally ever choose a waste  
4 hauler that AETC used for the disposing of Ashland  
5 waste?

6 A. I don't know.

7 Q. Did you have any relationship whatsoever  
8 with DeRewal or DeRewal Chemical or Environmental  
9 Chemical Control?

10 A. Absolutely not.

11 Q. Did Ashland have a direct agreement with  
12 DeRewal or DeRewal Chemical or --

13 A. To the best of my knowledge, no.

14 Q. Let me finish my question, please,  
15 before you answer me because --

16 A. Sorry about that.

17 Q. It's okay.

18 Did you discuss with Mr. Leuzarder or  
19 anyone else from AETC the qualifications of the waste  
20 haulers that would be used to haul Ashland waste?

21 (Objection) MR. SABINO: Objection. You haven't  
22 defined what you mean by qualifications.

23 BY MS. MOONEY:

24 Q. If you understand.

25 A. Only to the extent that I mentioned

1 before.

2 Q. Type of vehicle?

3 A. About the truck, type of vehicle, yes.

4 Q. What about knowledge about the chemical  
5 properties of the waste streams, did you discuss that  
6 with AETC?

7 A. We certainly made it known, the type of  
8 material it was, how it should be handled.

9 Q. Did you communicate to AETC in any way  
10 that you wanted the waste hauler it used for its  
11 waste or Ashland's waste to be qualified in any  
12 particular way, licensed by the state, for example?

13 A. Licensed by the state, I draw a blank on  
14 that one. But we encouraged them to have the acid  
15 handling clothing, goggles and the gloves for  
16 handling acids.

17 Q. Did you ever provide samples of Ashland  
18 waste streams to AETC?

19 A. I'm sure I did.

20 Q. You're sure you did?

21 A. Yeah. On more than one occasion.

22 Q. Was there -- were there special safety  
23 concerns with providing samples of the CDN spent acid  
24 waste? Was it difficult to provide a sample of that?

25 (Objection) MR. SABINO: Objection, compounded.



1 What do you mean by special?

2 THE WITNESS: I don't understand the  
3 question.

4 BY MS. MOONEY:

5 Q. Okay. Did you ever, to your knowledge,  
6 did you ever provide a sample of the CDN spent acid  
7 waste to AETC?

8 MR. SABINO: Asked and answered.

9 THE WITNESS: Oh, I'm sure I did.

10 BY MS. MOONEY:

11 Q. Do you know -- well, why did you do  
12 that?

13 A. Well, they had to know what they're  
14 handling. Wouldn't be too bright if they took it  
15 without looking to see what it is.

16 Q. Would your laboratory have been in  
17 charge of obtaining that sample for them?

18 A. More likely I might have gotten them a  
19 sample, Jake Young from the shipping department might  
20 have gotten them a sample and the lab might have  
21 gotten them a sample.

22 Q. Did you in your agreement with AETC  
23 discuss the amount of waste that they would be  
24 disposing of for Ashland?

25 A. I don't know specifically. It's a hard

1 one to answer.

2 Q. How about the frequency of pickups, did  
3 you discuss that?

4 A. Well, only in that they were aware of  
5 about how much of that acid was generated, that was  
6 no secret, so they certainly knew that we had the  
7 potential to generate two loads a day.

8 Q. In your agreement with AETC for the  
9 disposal of Ashland waste, did you talk about the  
10 site of disposal of the waste?

11 A. I'm sure we did, yes.

12 Q. Do you recall any discussions about  
13 that?

14 A. No.

15 Q. Do you recall the disposal site that  
16 was, that was there -- strike that.

17 Do you know the name of any disposal  
18 sites that Ashland and AETC agreed that the Ashland  
19 waste would be disposed of?

20 A. I believe Modern Transportation was one.  
21 In Kearney. And I'm not sure of the other sites.  
22 Initially it was Kin-Buc and when that closed out  
23 they searched for others.

24 Q. When -- in the time that Ashland's waste  
25 was going to Kin-Buc and Leuzarder was, I guess,

1 acid would go here.

2 Q. Did AETC ever tell you that the waste  
3 that it handled for you would be disposed of legally?

4 A. Is that a loaded question?

5 (Objection) MR. SABINO: Objection to the question.  
6 You haven't defined what legally means.

7 BY MS. MOONEY:

8 Q. Do you understand my question?

9 A. He never told me that it would be  
10 disposed of illegally.

11 Q. What I'm trying to get at, did he ever  
12 make a representation that AETC would make sure that  
13 your waste was disposed of legally?

14 A. That was understood.

15 Q. Okay, fair enough.

16 Did AETC ever tell you that it would  
17 take certain, any steps to insure that your waste was  
18 handled properly?

19 (Objection) MR. SABINO: Objection to the use of  
20 the word property.

21 THE WITNESS: Spell that out.

22 BY MS. MOONEY:

23 Q. Did AETC ever tell you that it would  
24 be -- strike that.

25 What did -- did AETC ever describe the

1 oversight it had over the haulers that it used for  
2 Ashland's waste?

3 (Objection) MR. SABINO: Objection.

4 THE WITNESS: I don't recall.

5 BY MS. MOONEY:

6 Q. Okay. Do you recall the name  
7 Wissinoming?

8 A. Yes.

9 Q. And how do you recognize that?

10 A. Had to jog my memory, yeah.

11 Q. How do you recognize that name?

12 A. Well, it's apparently the name of the  
13 site in Philadelphia where the acid was being  
14 disposed of.

15 MR. BIEDRZYCKI: Was being what, where  
16 the acid was being disposed of did you say?

17 THE WITNESS: Yeah.

18 MR. BIEDRZYCKI: Okay.

19 BY MS. MOONEY:

20 Q. Did you ever visit the Wissinoming site?

21 A. Yes, one time.

22 Q. Can you describe how that visit came  
23 about?

24 A. Yeah, I asked John to let me see this  
25 facility and it took a while before he did let me go